

Massachusetts Board of Registration in Embalming and Funeral Directing
Public Session Minutes
DATE: October 20, 2020
TIME: 10:00 a.m.

A regularly scheduled open public meeting of the Massachusetts Board of Registration of Embalmers and Funeral Directors (“the Board”) was held via Videoconference and Conference Call due to the Executive Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, § 20.

Board Members Present:

Paul Phaneuf
Patrick Driscoll
David Brezniak
Janet Leombruno

Staff Members Present:

Michael Hawley, Executive Director
Thomas F. Burke, Assoc. Executive Director
Peter M. Kelley, Board Counsel
Robert Williams, Board Investigator

Board Members Absent:

Richard Gormley

Members of the Public Present:

Arline Figueroa
Gerard Grondin
Jocelyn Connolly
Michael Leonard
Sarah Stopyra
David Casper
Michael Ahearn
Margaret M. Nolan

Call to Order:

Mr. Phaneuf called the meeting to order at 10:12 a.m. Evacuation procedures were tabled.

Review of Minutes:

The Board reviewed staff prepared public session minutes of the meeting held on September 15, 2020.

Mr. Driscoll moved to accept staff prepared public session minutes of the meeting held on September 15, 2020. Ms. Leombruno seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.

The Board reviewed staff prepared executive session minutes of the meeting held on September 15, 2020.

Ms. Leombruno moved to accept staff prepared public session minutes of the meeting held on September 15, 2020. Mr. Brezniak seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Ms. Leombruno, “Yes”, Mr. Driscoll: “Yes.

Report from Executive Director, Michael Hawley:

Mr. Hawley reported that the following applicants for Type 6 Funeral Director have been administratively approved for registration:

Katelynn N Abelha (Type 6) at Weir Funeral Home in Malden (10/2/2020)

Marissa Jenness (Type 6 Reinstatement) at Smith-Mallahy-Masciarelli in Fitchburg (10/2/2020)

Emanuel P. Babalas (Type 3 to 6) at Beals-Geake-Magliozi Funeral Home in Medford (10/2/2020)

Abby Jackman-Tallent (Type 3) at Carr Funeral Home in Whitinsville (09/28/2020)

Haley Jordan (Type 6) at Conway Cahill-Brodeur Funeral Home in Lynn (09/21/2020)

Tewksbury Funeral Home (1052-FE-FE) in Tewksbury, MA (9/29/2020)

The following continuing education courses have been administratively approved:

MFDA OSHA Training for Funeral Professionals – October, November 2020 and TBA 2021 1.0 CEU hours

2020 ICCFA Virtual Seminar Series: Fiscal Management – November 5, 12, 19 and December 3, 2020 and on-demand from November 5-December 31, 2020. 4.0 CEU hours.

NFDA Relevance of Restorative Art – October 22, 2020 1.0 CEU hours.

NFDA All Stressed Out and Ready to Blow – October 22, 2020 1.0 CEU hours

NFDA Supporting Survivors of Suicide Loss – November 18, 2020 1.0 CE hours

NFDA Defusing Conflict in the Arrangement Office – November 12, 2020 1.0 CEU hours

KAVOD Jewish Funeral Chapels – The Devils in the Details: Customer Loyalty is not Built from 30,000 Feet – October 25, 2020 1.50 CEU hours

KAVOD Jewish Funeral Chapels – The Results of the Foresight Companies 2020 Funeral and Cemetery Consumer Study – October 26, 2020 1.5 CEU hours

Mr. Hawley reported that license renewal period has commenced. He noted that registrants should utilize online renewal for processing but paper renewals will be accepted this year. Mr. Hawley notified the Board that membership in The Conference has been renewed.

Report from Board Counsel, Peter Kelley:

No report.

Apprentice Extension Request

- Arline Figueroa

Ms. Leombruno moved to grant a one-year license extension for Ms. Figueroa. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.

- Gerard Grondin

Ms. Leombruno moved to grant a one-year license extension for Ms. Figueroa. Mr. Brezniak seconded. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.

Compliance Monitoring:

Peter Stefan (2019-001039-IT-ENF, 2019-001040-IT-ENF, 2019-001276-IT-ENF, and 2019-001277-IT-ENF). Eighth Monthly Monitoring Report, dated 10/15/20. After discussion, the Board took the following action:

Ms. Brezniak moved to reject eighth monitoring report and reinstate the summary suspension of Mr. Stefan’s Type 3 funeral director registration and instructed Board staff to direct Mr. Stefan to propose a Type 3 Funeral Director for the management of the funeral establishment. Ms. Leombruno seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Driscoll: “Yes.”, Mr. Brezniak: “Yes”, Ms. Leombruno, “Yes”.

Discussion

- 2021 Meeting Calendar

Mr. Driscoll moved to approve the 2021 meeting calendar. Ms. Leombruno seconded the motion. Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.

- Board Elections

After brief discussion, Mr. Driscoll moved to re-nominate Mr. Phaneuf to serve as Board chair and Mr. Brezniak seconded. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.**

In turn, Ms. Leombruno moved to re-nominate Mr. Driscoll to serve as Board secretary and Mr. Brezniak seconded. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.**

- Type 6 Funeral Registration

The Board discussed the type 6 funeral registration requirement for employment at a funeral establishment as a condition for funeral directing. Independent contractors and funeral directors may be licensed as type 6 registrants. The Board inquired whether the type 6 registration should be separated into different classifications based on employment status and Board counsel advised that this can only occur via a change in the licensing regulations. After discussion, in order to gather additional data on the nature of the problem, if any, the Board instructed the investigator to tally type 6 funeral registrants at establishments to ensure compliance and report back to the Board.

- School Accreditation

The Board reviewed current accreditation standards for acceptable degree programs described in 235 CMR 3.02 (2) (g) which states that eligible applicants must achieve “an associate's degree in mortuary science from a program meeting the accreditation requirements of the American Board of Funeral Service Education, or the equivalent thereof as determined by the Board.” Ms. Sarah Stopyra, Funeral Services Program chair at North Shore Community College (“NSCC”), inquired whether the Board would accept program candidacy status with the American Board of Funeral Service Education (“ABFSE”) for prospective graduate of the degree program in spring 2021. NSCC does not anticipate receiving full accreditation until April 2022. In response, Board counsel stated that only accreditation status is allowed under the current regulation. The Board discussed whether accreditation approval may be exercised on a case-by-case basis. No further action was taken.

- Impact of COVID-19

Mr. Williams reported that funeral directors continue to follow CDC guidelines and DPH standards for social distancing at funeral services despite large numbers of attendants. He has instructed funeral directors to maintain compliance at all times. Ms. Nolan reported to the Board that the Massachusetts Funeral Directors Association (“MFDA”) has submitted a request to the Executive Office of Housing and Economic Development (“EOHED”) for guidance on conducting multiple services at funeral establishments in the Commonwealth.

Closed Session: Investigatory Conferences, pursuant to G.L. c. 112, §65C.

At 12:10 p.m., Ms. Leombruno moved to suspend the open meeting and enter into closed session to conduct investigatory conferences, pursuant to G.L. c. 112, §65C. Mr. Brezniak seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.**

During the closed session, the Board took the following actions:

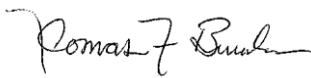
- 2020-000661-IT-ENF – Dismissed.

At 12:36 p.m., Ms. Leombruno moved to exit closed session and to adjourn the meeting. Mr. Driscoll seconded the motion. **Motion passed by a roll call vote: Mr. Phaneuf: “Yes”, Mr. Brezniak: “Yes”, Mr. Driscoll: “Yes.”, Ms. Leombruno, “Yes”.**

List of Documents used at the meeting:

1. Agenda
2. Public Session Minutes from September 15, 2020 meeting.
3. Executive Session Minutes from September 15, 2020 meeting.
4. Apprentice Extension Requests
5. Compliance Monitoring Report
6. ED Report of administratively approved registrants and CE provider courses.

Respectfully submitted,



Thomas F. Burke
Associate Executive Director